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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,677	01/06/2000	BER-FONG HWANG	890-004.002	1988

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EXAMINER

DEXTER, CLARK F

ART UNIT PAPER NUMBER

3724

DATE MAILED: 11/04/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/478,677

Applicant(s)
Hwang

Examiner
Clark F. Dexter

Art Unit
3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 18, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-22 is/are pending in the application.
- 4a) Of the above, claim(s) 20-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3724

DETAILED ACTION

1. The amendment filed August 18, 2003 has been entered. The indicated allowability of the claims is withdrawn in view of the newly discovered reference(s) to Hackbarth et al., pn 6,199,468. Rejections based on the newly cited reference(s) follow. Any inconvenience caused by this Office action is sincerely regretted. Because applicant's response did not necessitate this new grounds of rejection, this Office action is being made **non-final**. It is noted that dependent claims 20-22, which were initially withdrawn and rejoined due to the allowability indicated for claim 18, have been withdrawn again for the reasons previously set forth.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hackbarth et al., pn 6,199,468, in view of MacFarlane, pn 4,915,000 and Neuhauser et al., pn 2,654,404.

Art Unit: 3724

Hackbarth discloses a cutting machine with almost every structural limitation of the claimed invention including an apparatus body having a working surface (e.g., 12, 13); a frame (e.g., 16); a vertical cutting device comprising a first blade turning unit (e.g., 19) having a first blade holder (e.g., the lower occurrence of 21), a second blade turning unit (e.g., 20) having a second blade holder (e.g., the upper occurrence of 21), a wheel set (e.g., shown in Figure 1) including a first pulley (e.g., 31), a second pulley (e.g., 30), two guide wheels (e.g., 32, 33) and a guide wheel (e.g., 34) for tensioning the loop; and a transmission mechanism (e.g., see col. 3, lines 7-9).

(a) Regarding the vertical cutting device, Hackbarth lacks only an explicit depiction/description of the slide supports for the carriages, specifically a guide rail and three linear slide bars; and an additional wheel for driving the loop. However, the Examiner takes Official notice that these features are old and well known in the art and provide various known benefits. For example, regarding the slide supports, various guide bar and slide rail configurations are known in the art and provide various known benefits including providing a multiple track guide support for added stability. One example of such a slide support configuration is disclosed by MacFarlane. An example of another known slide support configuration is disclosed by Glastra. Regarding the additional wheel for driving the loop, various known configurations are known for driving such a loop, wherein the configurations are substantially equivalent in function; for example, either one of the stationary guide wheels could function as the driving wheel (as in Hackbarth), or an additional wheel could be added and

Art Unit: 3724

operatively connected to the loop to drive the loop. MacFarlane discloses one example of a configuration providing an additional guide wheel for driving the loop. Therefore, it would have been obvious to one having ordinary skill in the art to provide a driving wheel in the form of an additional guide wheel for the well known benefits including those described above.

(b) Hackbarth lacks a horizontal cutting device; specifically, one that is a duplicate of the vertical cutting device. However, the Examiner takes Official notice that it is old and well known in the art to provide both horizontal and vertical devices in a cutting apparatus for adjustably cutting in both a horizontal and vertical direction, wherein such a cutter configuration provides well known benefits including facilitating the cutting of a workpiece to a variety of desired sizes. MacFarlane discloses one example (see Figure 2) wherein the vertical and horizontal cutting devices are combined into a single unit. Neuhauser et al. discloses one example of successive horizontal and vertical cutting devices that are substantially the same configuration for providing both types of cuts through a workpiece during a single pass of the workpiece. Therefore, it would have been obvious to one having ordinary skill in the art to provide a horizontal cutting device, specifically one of the same configuration as the vertical cutting device, on the apparatus of Hackbarth for the well known benefits including those described above.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's

Art Unit: 3724

typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers Technology Center 3700 are: after-final responses - (703)872-9303; other formal/official papers - (703)872-9302. The fax number for informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
October 29, 2003